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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,796	08/13/2001	Margaret A. Schwarz	9022.8CT	8406

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EXAMINER

CARLSON, KAREN C

ART UNIT PAPER NUMBER

1653

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/928,796	SCHWARZ ET AL.	
	Examiner	Art Unit	
	Karen Cochran Carlson, Ph.D.	1653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 2, 5, 6, and 17-20, drawn to a method of facilitating vascular growth by inhibiting EMAP II activity via a compound that binds to EMAP II, classified in class 424, subclass 131.1.
- II. Claims 1, 3, 5, 6, and 17-19, drawn to a method of facilitating vascular growth by inhibiting EMAP II activity via inhibiting EMAP II expression, classified in class 514, subclass 44.
- III. Claims 1, 4-6, and 17-19, drawn to a method of facilitating vascular growth by inhibiting EMAP II activity via administration of a EMAP II receptor antagonist, classified in class 514, subclass 2.

Claim 1 is directed to three patentably distinct inventions. If any one of Inventions I-III is elected, Claim 1 will only be examined in-so-far as it pertains to the elected subject matter.

- IV. Claims 7 and 8, drawn to a method of screening combinatorial library compounds that bind to EMAP II, classified in class 435, subclass 7.1.
- V. Claims 7 and 9, drawn to a method of screening protein or peptide compounds that bind to EMAP II, classified in class 435, subclass 7.1.

Claim 7 is directed to two patentably distinct inventions. If any one of Inventions IV or V is elected, Claim 7 will only be examined in-so-far as it pertains to the elected subject matter.

- VI. Claims 10 and 11, drawn to method of screening combinatorial library compounds that bind to DNA encoding EMAP II, classified in class 435 , subclass 6.
- VII. Claims 10 and 12, drawn to a method of screening oligonucleotide compounds that bind to DNA encoding EMAP II, classified in class 435, subclass 6.

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Claim 10 is directed to two patentably distinct inventions. If any one of Inventions VI or VII is elected, Claim 10 will only be examined in-so-far as it pertains to the elected subject matter.

VIII. Claims 13-16, drawn to a method of screening compounds that inhibit EMAP II expression, classified in class 435, subclass 6.

The inventions are distinct, each from the other because of the following reasons:

The methods of Inventions I through VIII require different products and steps and have different endpoints. Therefore, Inventions I through VIII are patentably distinct one from the other.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Cochrane Carlson, Ph.D. whose telephone number is 703-308-0034. The examiner can normally be reached on 7:30 AM - 5:00 PM, off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Christopher Low can be reached on 703-308-2329. The fax phone numbers for

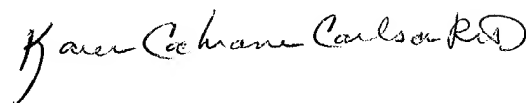
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the organization where this application or proceeding is assigned are 703-308-4242 for regular communications and 703-308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

A handwritten signature in cursive script that reads "Karen Cochrane Carlson" followed by a stylized "Ph.D." in parentheses.

KAREN COCHRANE CARLSON, PH.D
PRIMARY EXAMINER